

Docket No.: 5000-0193PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Jordi TORMO I BLASCO et al.

Application No.: 10/590,326

Confirmation No.: 8108

Filed: August 23, 2006

Art Unit: N/A

For: 5,6-DIALKYL-7-  
AMINOTRIAZOLOPYRIMIDINES, THEIR  
PREPARATION AND THEIR USE FOR  
CONTROLLING HARMFUL FUNGI, AND  
COMPOSITIONS COMPRISING THESE  
COMPOUNDS

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Examiner: Not Yet Assigned

**LETTER RESPONDING TO THE NOTIFICATION OF MISSING REQUIREMENTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant wishes to advise the United States Patent and Trademark Office that a Declaration was filed with the application on August 23, 2006 satisfying the filing requirements for this application.

We received a Notification of Missing Requirements (371 Formalities Letter) dated April 20, 2007, a copy of which is attached hereto.


As evidence of Applicant's previous submission of a Declaration in connection with the present application, Applicant encloses a copy of the Transmittal Letter, Declaration and Power of Attorney, filed August 23, 2006, and a copy of the postcard indicating receipt of the Declaration by the U.S.P.T.O.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: June 20, 2007

Respectfully submitted,

By

  
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Registration No.: 32,868

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/590,326	Jordi Tormo I Blasco	5000-0193PUS1

2292  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

*Guerra*  
**DOCKETED**  
*perfect*  
*6.20.2007*

INTERNATIONAL APPLICATION NO.	
PCT/EP05/02424	
I.A. FILING DATE	PRIORITY DATE
03/08/2005	03/10/2004

**CONFIRMATION NO. 8108**  
**371 FORMALITIES LETTER**



\*OC000000023466222\*

Date Mailed: 04/20/2007

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/23/2006
- English Translation of the IA filed on 08/23/2006
- Copy of the International Search Report filed on 08/23/2006
- Copy of IPE Report filed on 08/23/2006
- Preliminary Amendments filed on 08/23/2006
- Information Disclosure Statements filed on 08/23/2006
- Request for Immediate Examination filed on 08/23/2006
- U.S. Basic National Fees filed on 08/23/2006
- Priority Documents filed on 08/23/2006
- Specification filed on 08/23/2006
- Claims filed on 08/23/2006
- Abstracts filed on 08/23/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

**PART 2 - OFFICE COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/590,326	PCT/EP05/02424	5000-0193PUS1

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 5000-0193PUS1
		U.S. APPLICATION NO. (if known, see 37 CFR 1.5) NEW
INTERNATIONAL APPLICATION NO. PCT/EP2005/002424	INTERNATIONAL FILING DATE 8 March 2005	PRIORITY DATE CLAIMED 10 March 2004
<b>TITLE OF INVENTION</b> 5,6-DIALKYL-7-AMINOTRIAZOLOPYRIMIDINES, THEIR PREPARATION AND THEIR USE FOR CONTROLLING HARMFUL FUNGI, AND COMPOSITIONS COMPRISING THESE COMPOUNDS		
<b>APPLICANT(S) FOR DO/EO/US</b> Jordi TORMO I BLASCO; Carsten BLETNER; Bernd MÜLLER; Markus GEWEHR; Wassilios GRAMMENOS; Thomas GROTE; Joachim RHEINHEIMER; Peter SCHÄFER; Frank SCHIEWECK; Anja SCHWÖGLER; Oliver WAGNER; Matthias NIEDENBRUCK; Maria SCHERER; Siegfried STRATHMANN; Ulrich SCHÖFL; Reinhard STIERL and Udo HÜNGER		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input checked="" type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input checked="" type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). <b>Items 11 to 20 below concern document(s) or information included:</b> 11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>NEW</b>	INTERNATIONAL APPLICATION NO. <b>PCT/EP2005/002424</b>	ATTORNEY'S DOCKET NUMBER <b>5000-0193PUS1</b>
20. <input checked="" type="checkbox"/> Other items or Information: Return Receipt Postcard PCT/ISA/210; PCT/IPEA/409 and Letter Submitting Article 34 Amendments		
The following fees have been submitted		<b>CALCULATIONS</b>
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)) ..... \$300		\$ 300.00
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations .....\$200		\$ 200.00
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) .....\$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....\$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....\$400 All other situations.....\$500		\$ 400.00
<b>TOTAL OF 21, 22 and 23 =</b>		<b>\$ 900.00</b>
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)
49 - 100 =	/50 =	x \$250.00
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		\$
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	17 - 20 =	x
Independent claims	1 - 3 =	x
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ 360.00
<b>TOTAL OF ABOVE CALCULATIONS =</b>		<b>\$ 1,260.00</b>
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		
<b>SUBTOTAL =</b>		<b>\$ 1,260.00</b>
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$
<b>TOTAL NATIONAL FEE =</b>		<b>\$ 1,260.00</b>
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +		\$ 40.00
		\$
<b>TOTAL FEES ENCLOSED =</b>		<b>\$ 1,300.00</b>
		Amount to be refunded: \$
		Amount to be charged \$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☒ A check in the amount of \$ 1,300.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 02-2448 in the amount of \$ \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-2448. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

\_\_\_\_\_  
SIGNATURE

CUSTOMER NUMBER: 02292  
August 23, 2006  
/smt

\_\_\_\_\_  
Andrew D. Meikle  
NAME

\_\_\_\_\_  
32,868  
REGISTRATION NUMBER